

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHELLE WILSON,

Plaintiff,

-against-

NORTHWESTERN MUTUAL INSURANCE
COMPANY,

Defendant.
-----X

Civil Action No. 07 CV 2790
(CLB)

**AFFIDAVIT OF JOAN
AHANGAR IN FURTHER
SUPPORT OF THE
NORTHWESTERN MUTUAL
LIFE INSURANCE
COMPANY'S MOTION FOR
SUMMARY JUDGMENT**

Joan Ahangar, being duly sworn, deposes and says:

1. I am employed by The Northwestern Mutual Life Insurance Company ("Northwestern Mutual") as a Print/Mail Support Specialist in its Daily Operations of Information Systems. In my capacity as Print/Mail Support Specialist and based upon my review of Northwestern Mutual's business records, I have knowledge of the process by which Northwestern Mutual's check in the amount of \$81.03 dated May 31, 2005 issued to Kenneth Wilson (the "Refund Check") was mailed to Mr. Wilson.

2. I make this Affidavit in further support of Northwestern Mutual's motion for summary judgment, and I base this Affidavit on the business records regularly maintained by Northwestern Mutual in the regular course of its business.

3. I have reviewed the Affidavits of Diane Knueppel and Joyce Barrack and their respective exhibits, submitted in support of Northwestern Mutual's motion for summary judgment. These Affidavits attest to the fact that a check was issued from Northwestern Mutual's Suspense Account Management System ("SAMS") in the amount of \$81.03 made payable to Kenneth Wilson (See: Knueppel Affidavit, ¶¶12 and 13; Barrack Affidavit, ¶6) and

that the check was to be mailed to Kenneth Wilson at 70 Brookside Place, New Rochelle, New York 10801. (See: Knueppel Affidavit, Exh. "G").

4. Since the Refund Check was issued from SAMS and in accordance with Northwestern Mutual's usual business practices, the Refund Check would have been listed on a report that listed all the checks produced on May 31, 2005 on the SAMS account. This report is called EXREPRT.

5. In 2005, the checks listed on the EXREPRT report were printed by Northwestern Mutual's Daily Operations of Information Systems. The printed checks were then sent to recipients via First Class Mail or an expedited courier such as Federal Express. The checks themselves and the EXREPRT report carry the codes DR (direct mail) (First Class Mail) and EX (expedited) (such as Federal Express) to indicate the mode of delivery. In accordance with Northwestern Mutual's usual business practices, the Refund Check would have been delivered by First Class Mail as there is no indication in the business records I reviewed that the Refund Check was sent on an expedited basis or that any Northwestern Mutual employee involved in this transaction requested that the Refund Check be sent to them for mailing.

6. The two types of checks are separated and the checks which are to be delivered by First Class Mail are inserted by an automated inserting system. After all the checks to be delivered by First Class Mail are inserted into envelopes, the total number of finished envelopes is validated against a system generated count of checks to insure that the numbers match up.

7. According to Northwestern Mutual's usual business practices, the Refund Check would have been inserted into an envelope and mailed by Northwestern Mutual's Daily Operations of Information Systems to Mr. Wilson at 70 Brookside Place, New Rochelle, New York 10801 on June 1, 2005.

Dated: March 13, 2008
Milwaukee, Wisconsin

Joan Ahangar
Joan Ahangar

Sworn to before me this 13 day
of March, 2008

Deborah L. Ward
Notary Public

My Commission expires
on 9-5-2010.



AFFIDAVIT OF SERVICE

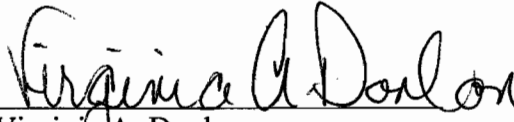
STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

I, Virginia A. Donlon, being sworn, say:

I am not a party to the action, am over 18 years of age and reside in Nassau County, New York.

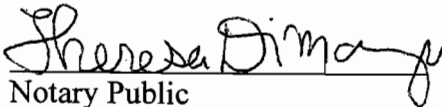
On March 14, 2008, I served the within **Affidavit of Joan Ahangar in Further Support of the Northwestern Mutual Life Insurance Company's Motion for Summary Judgment** by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Douglas R. Dollinger & Associates
40 Matthews Street, Suite 101
Village of Goshen
Goshen, New York 10924



Virginia A. Donlon

Sworn to before me this
14th day of March, 2008



Notary Public

THERESA DIMARZO
Notary Public, State of New York
No. 01DI5048418
Qualified in Nassau County
Commission Expires August 21, 20 09